United States Department of Labor Employees' Compensation Appeals Board

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)	
R.W., Appellant)	
)	Docket No. 14-1202
and)	Issued: October 22, 2014
)	
U.S. POSTAL SERVICE, POSTAL SERVICE,)	
Tampa, FL, Employer)	
)	
Appearances:		Case Submitted on the Record
Lenin Perez, for the appellant		
Office of Solicitor, for the Director		

ORDER REMANDING CASE

Before:

CHRISTOPHER J. GODFREY, Chief Judge COLLEEN DUFFY KIKO, Judge PATRICIA HOWARD FITZGERALD, Judge

On April 29, 2014 appellant filed an application for review of an April 15, 2014 merit decision of the Office of Workers' Compensation Programs (OWCP).

The Board has duly considered the matter and finds that the case is not in posture for a decision and must be remanded to OWCP. In the case of *William A. Couch*, the Board held that when adjudicating a claim, OWCP is obligated to consider all evidence properly submitted by a claimant and received by OWCP before the final decision is issued. Following the July 26, 2013 decision that denied appellant's claim for a left shoulder injury because she failed to establish a causal relationship between her left shoulder condition and her employment duties, appellant's representative requested an oral hearing. Following the hearing, appellant submitted a new April 10, 2014 report from Dr. Robert R. Reppy, an osteopath. OWCP received this report on April 11, 2014. In an April 15, 2014 decision, OWCP's hearing representative affirmed the July 26, 2013 decision denying appellant's claim for a left shoulder condition. The hearing representative referenced the medical evidence OWCP had received following the hearing, but he did not reference the April 10, 2014 report from Dr. Reppy. It is clear that the new evidence had not been reviewed.

¹ 41 ECAB 548 (1990).

For this reason, the case will be remanded to OWCP to enable it to properly consider all the evidence submitted prior to the issuance of the April 15, 2014 decision. Following this and such further development as OWCP deems necessary, it shall issue an appropriate merit decision.

IT IS HEREBY ORDERED THAT the April 15, 2014 decision of the Office of Workers' Compensation Programs set aside. The case record is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: October 22, 2014 Washington, DC

Christopher J. Godfrey, Chief Judge Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge Employees' Compensation Appeals Board